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ARIZONA CORPORATION COMMIS
UTILITY COMPLAINT FORM**Investigator:** Jenny Gomez**Phone:** [REDACTED]**Fax:** [REDACTED]**Priority:** Respond Within Five Days

Arizona Corporation Commission

Opinion No. 2009 80361**Date:** 7/14/2009**Complaint Description:** 10P Power plant opinions, whether in favor or opposed.
N/A Not Applicable

JUL 15 2009

Complaint By: **First:** Tracy**Last:** Pritzker

DOCKETED BY

Account Name: Tracy Pritzker**Home:** [REDACTED]**Street:** [REDACTED]**Work:** [REDACTED]**City:** Gilbert**CBR:** [REDACTED]**State:** AZ **Zip:** [REDACTED]**is:** [REDACTED]**Utility Company:** Salt River Project Agricultural Improvement & Power District**Division:** Electric**Contact Name:** [REDACTED]**Contact Phone:** [REDACTED]**Nature of Complaint:**

7/2/2009*****OPINION REFERRED FROM OFFICE OF THE ATTORNEY GENERAL*****

*****Docket No. L-00000B-09-0311-00148*****

As I understand it, your office enforces the law of land in AZ.~

Salt River Project (SRP) is motivated to achieve its Goal Regardless of the Children at Edu-prize. SRP plans to build a 69,000 kilovolt high voltage power substation as early as 2012 300ft from Edu-prize Elementary~ High voltage Power substations next to schools without oversight from local, state, federal, or the ACC is unconstitutional.

The town of Gilbert has made it clear that it is powerless (along with state and federal government telling me the same) and yet no one can show me where it is written in the law that SRP CAN build 69kv high voltage substation where they please without oversight. Legitimate governments are meant to secure liberty. As it were, if I wanted to challenge a law concerning SRP, I have to first find someone within my own district to sponsor any bill change but no one can point me in the direction of such law nor do they offer any such help.

SRP argues that it is acting as a governmental entity when it develops electrical substations. SRP is a quasi-governmental entity. As such, it has both proprietary and governmental functions. Do you believe SRP is acting more like a proprietary function when developing electrical substations rather than a governmental function given what The Arizona Supreme Court has written of the Power District? Has the Attorney General's office ever been asked for its opinion on the matter?

The Salt River District does not perform traditional general governmental functions. The legislature has defined

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the District's purpose as securing water necessary to improve agricultural land. (1) The District's powers are incidental to that task. (2) This limited role does not entail the exercise of general governmental powers.

Moreover, though some municipalities furnish water and electric service, these functions are not traditionally governmental services. In another context, the Supreme Court has noted that "the supplying of utility service is not traditionally the exclusive prerogative of the State" and is not "traditionally associated with sovereignty." (3) And the Arizona Supreme Court has described the Salt River District as having business and economic rather than governmental purposes. (4)

Finally, even if some publicly owned utilities can be compared to vital governmental services, this District is not such a utility. The Arizona Supreme Court has written of the District:

Most municipal corporations are owned by the public and managed by public officials.... Such is not the case here.... The public does not own the District. A governmental entity such as a city or town does not manage or benefit from the profits of this District. Instead the owners are private landholders. The profits from the sale of electricity are used to defray the expense in irrigating these private lands for personal profit. The public interest is merely that of consumers of its product, for which they pay.... The District does not function to "serve the whole people" but rather the District operates for the benefit of these "inhabitants of the district" who are private owners.

Where are the specific case law and/or statutes in Arizona allowing SRP to develop said substations next to schools without any oversight from local, state, federal and ACC supervision?

Regards, Tracy Pritzker

End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

07/14/2009 Reference Complaint Nos. 76433 dated 2/17/2009 filed before Docket No listed below
78273 dated 4/15/2009 filed before Docket No. listed below
80376 dated 7/14/2009

*****Docket No. L-00000B-09-0311-00148*****Docked by Carmen Madrid

07/14/2009

I contacted consumer, Tracy Pritzker and informed her that her opinion had been received and will be made part of the record and will be docketed. She thanked me . File Closed

End of Comments

Date Completed: 7/14/2009

Opinion No. 2009 - 80361
